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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FOUR

MI RYONG SONG,

Plaintiff and Appellant,

v.

SUK K. LEE,

Defendant and Respondent.

B238268

(Los Angeles County
Super. Ct. No. BC418479)

APPEAL from an order of the Superior Court of Los Angeles County,
Mark V. Mooney, Judge. Reversed.

Horvitz & Levy, David M. Axelrad and Jason R. Litt, Parker Shumaker Mills
and David B. Parker for Plaintiff and Appellant.

Yoka & Smith and Christopher E. Faenza, Murchison & Cumming and
Edmund G. Farrell III for Defendant and Respondent.

Mi Ryong (Mimi) Song appeals from an award of attorney fees to respondent Suk Ki Lee as prevailing party in the underlying action for breach of a confidential settlement agreement. In a related appeal (*Song v. Lee*, case No. B235336) we reversed the judgment in favor of Suk K. Lee and remanded for a new trial. Based on that reversal, it follows that the award of attorney fees must also be reversed.

FACTUAL AND PROCEDURAL SUMMARY

The complicated factual and procedural history of the dispute between the parties is fully set out in *Song v. Lee* (case No. B235336). We confine our procedural summary to the award of fees by the trial court.

After the jury reached a verdict in favor of respondent Lee, judgment was entered in his favor. He was found to be the prevailing party and was awarded a total of \$233,921.04 in fees and costs. Song filed a timely appeal from that order.

DISCUSSION

Since we reversed the judgment in favor of respondent and remanded for a new trial, we also must vacate the attorney fee and cost award in Lee's favor. (*Metropolitan Water Dist. v. Imperial Irrigation Dist.* (2000) 80 Cal.App.4th 1403, 1436–1437.)

DISPOSITION

The order of costs and fees in favor of respondent is reversed. Appellant is entitled to her costs on appeal.

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EPSTEIN, P. J.

We concur:

WILLHITE, J.

MANELLA, J.